THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.724 OF 2006

28.07.2006

Between:

V.Surender Raj, S/o.V.Hansraj
And others

… Petitioners

AND

The Joint Collector, Rangareddy District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.724 OF 2006

ORDER:

The second respondent herein filed an application on 20.2.2002 before the Revenue Divisional Officer-cum-Inams Tribunal under A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity) seeking Occupancy Rights Certificate (ORC) in respect of lands in survey Nos.111 (Acs.3.27), 112 (Acs.0.27) and 117/1 (Acs.1.27) of Balanagar Village and Mandal in Ranga Reddy District. By a memo dated 08.4.2002, Inams Tribunal informed the second respondent that his request for ORC cannot be considered for the reason that ORC was already granted in favour of M.Mallaiah in File No.A1/121/75 in 1979. Feeling aggrieved by the same, the petitioner herein filed an appeal under Section 24 of the Act being Appeal No.2136 of 2002 before the first respondent, who took it on file and issued notices. At that stage, the petitioners herein filed the present writ petition seeking a writ of prohibition prohibiting the first respondent from proceeding with the matter.

There is no denial and indeed there cannot be any denial that against every order passed by Inams Tribunal under Section 10 of the Act, an appeal is provided under Section 24 of the Act to the Joint Collector. It only shows that the Joint Collector does not suffer from inherent lack of jurisdiction and, therefore, the petition for writ of prohibition is not maintainable. Further, there are disputes regarding the issue whether or not ORC was granted earlier in accordance with the law and after issue of notice to the respondents 2 to 14, who are claiming the land as a service inam of Dargah Hazrath Gaziuddin Masood. In this background, this Court is not inclined to accept the submission of the learned Counsel for the petitioners that the first respondent suffers from inherent lack of jurisdiction. The first respondent, however, may take up the appeal and dispose of the same within a period of four weeks from the date of receipt of the order duly considering all the objections raised by the petitioners.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

July 28, 2006
YS